

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, December 7, 2015
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 7:03PM.

Council Members Present: Jim Schmidt, Erika Vohman, Roland Mason, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Todd Crossett, Town Attorney John Belkin, and Town Clerk Lynelle Stanford

Finance Director Lois Rozman, Building Director Bob Gillie, Parks and Recreation Director Janna Hansen, and Town Planner Michael Yerman (all for part of the meeting)

APPROVAL OF THE AGENDA

Crossett requested that number 3 under New Business be moved to number 1 under New Business. He also confirmed that his presentation on the agenda would take up to an hour.

Schmidt moved and Vohman seconded a motion to approve the agenda as amended. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

- 1) Approval of November 16, 2015 Regular Town Council Meeting Minutes.**
- 2) Approval of November 30, 2015 Special Town Council Meeting Minutes.**
- 3) Approval of Council Committee Assignments.**

Stanford stated number 3, Approval of Council Committee Assignments, should be moved after the last item under New Business in order to fill all of the assignments.

Schmidt moved and Mason seconded a motion to approve the Consent Agenda with the two items left on Consent Agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

Recognizing people present to discuss the Center for the Arts, Crossett explained the process. He said the Center was with BOZAR right now. The decisions would be made with BOZAR, and there was upcoming public process. The Council would be the body

to which a BOZAR decision would be appealed. He said people could send emails, which would be important to keep on the public record.

Ben Pritchett - 708 Whiterock Ave

- Identified traffic flow, parking, building space, safety, and timing as issues.
- Regarding the Center for the Arts' location, he said the elephant in the room was the baseball field.
- He thought the cost of repositioning the field would be small compared to the cost of the overall project.

John Holder - 725 Whiterock Ave

- Encouraged the Council to consider locating the Center at Gothic Field.

Lauren Bock - 732 Whiterock Ave

- Echoed issues identified by Pritchett.
- Said it was not too late to step back and reconsider the overall plan.

Jafar Tabaian - 732 Whiterock Ave

- Questioned if Town Park was still the proper site, given the size of the project and the uses that were known.

Elliot Stern - 512 7th Street #2

- Suggested they reeled it in and slowed everything down (concerning the Center for the Arts). They were moving too fast.

Michel encouraged residents to attend the BOZAR meetings. BOZAR would approve designs. Council could hear the appeal of BOZAR's decision. Pritchett said one of their concerns was the site question. He wondered if they missed the conversation and if there was a mechanism to re-visit the conversation. Crossett said that last winter and spring there was a large conversation concerning what the building envelope looked like. He said they also had significant conversations regarding moving the ball field. The Council approved a resolution for the Center to pursue a project in that envelope. Theoretically, they could reverse but the Center was given the go ahead to move forward. Crossett said BOZAR was not deciding who was accommodated in the Center's space. The Center would need to come back to Council if they wanted to exceed the approved building envelope.

Marcus Lock - Practice located at 525 N Main in Gunnison

- Represented Cypress Foothills LP.
- He introduced himself and Cypress to the new Council members.
- Cypress was pursuing development of their parcel through the County.
- The conversation was re-started with the Town concerning wastewater connectivity. They hoped to present to the Council at an upcoming meeting.
- Schmidt said once lawyers started talking only the lawyers could talk to each other. Lock said he represented Cypress, but he hoped they didn't feel a barrier.

Erich Ferchau - 406 S Iowa in Gunnison

- Handed out a packet of information concerning his property in Town.
- Explained that Gillie approached him because if the building use was changed from commercial use to residential use, a parking space would be required.
- Ferchau said he would be forced to evict a long time tenant.
- Ferchau clarified he was at the meeting to vent, and the objective was to provide background information. He requested a meeting with Crossett. He wanted to continue having conversations with Gillie, and he didn't want to pull the trigger on evicting the tenant.

STAFF UPDATES

Lois Rozman

- October sales tax numbers were in the packets. Sales tax was up 11% for October, and it was up 12% year-to-date.
- Her department was working on the conversion to Muni Revs. They were mass mailing two letters, and so far people had been positive about the move.
- They had been working hard on the server and back up systems. Hardware was in, and they would be converting shortly to the new server.

Janna Hansen

- Today was opening day for Big Mine Ice Arena, which was a week earlier than expected.
- The first hockey practice for the season was at Big Mine today.
- Invited people to skate after the holiday party.
- Hired Dana Shaw as a full-time year around parks employee.
- Adult indoor soccer started last week.

Bob Gillie

- A vehicle had been charged at the 4-way. A shed would be built to cover the charging station.
- Was queuing up for next year's building season.
- Sixth Street Station was back with a sizable project.

Michael Yerman

- They did a peer review with CDOT on the Red Lady intersection. CDOT was ready to present two options to the Council.

Lynelle Stanford

- Mentioned upcoming special events.
- The holiday party would be on Friday.
- There was a meeting scheduled this week to discuss Big Air on Elk with event organizers and Staff.
- There would be a public hearing at the next meeting for the Kochevar's liquor license transfer.

- Was working to get the Fat Bike World Championships' special event application in front of the Council.

Todd Crossett

- There would be a meeting on Thursday for Big Air on Elk. The Town would have them cover the cost of an on-site safety manager.

PUBLIC HEARING

1) Transfer of the Dogwood Liquor License Located at 309 3rd Street From The Dogwood LLC to Elevated Spirits LLC.

Michel confirmed proper public notice was given and that nothing had changed from the time the staff report was written. Applicants Sarah Jane Lubeley and Drew Henry introduced themselves. Schmidt questioned if the applicants were aware of the restrictions that had been put in place on the building such as certain windows being opened. Lubeley specified restrictions such as closing by 9PM, including the patio. She added that they were aware due to the number of years they worked for the previous owners. There were no public comments, and the public hearing was closed. There was no further Council discussion.

Schmidt moved and Merck seconded a motion to approve the transfer of a Tavern Liquor License for Elevated Spirits LLC DBA The Dogwood located at 309 3rd Street; Crested Butte, Colorado for the reasons stated in the staff report. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 12, Series 2015 – An Ordinance of the Crested Butte Town Council Amending Chapter 6-2 of the Crested Butte Municipal Code Providing for a Temporary Reduction to Certain Portions of the Business and Occupation Licensing Tax for the Fiscal and Calendar Year of 2016; and Providing the Automatic Repeal Thereof Effective on the First Day of January, 2017.

Michel confirmed proper public notice was given and that nothing had changed from the time the staff report was written. Rozman explained the ordinance reduced the BOLT from per employee to a flat fee, which was done every year to satisfy TABOR requirements. There were no public comments, and the public hearing was closed. There was no further Council discussion.

Mason moved and Schmidt seconded a motion to approve Ordinance No. 12, Series 2015. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 13, Series 2015 – An Ordinance of the Crested Butte Town Council Adopting Changes and Additions to the 2015 Budget and Appropriations Relative to the General Fund, Sales Tax Fund and Street & Alley Fund.

Michel confirmed proper public notice was given, and there were no changes from the time the staff report was written. There were no public comments. The public hearing was closed. There was no further Council discussion.

Vohman moved and Mitchell seconded a motion to approve Ordinance No. 13, Series 2015 - An Ordinance of the Crested Butte Town Council Adopting Changes and Additions to the to the 2015 Budget and Appropriations Relative to the General Fund, Sales Tax Fund and Street & Alley Fund. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Ordinance No. 14, Series 2015 - An Ordinance of the Crested Butte Town Council Amending Chapter 2 of the Crested Butte Municipal Code to Include a New Article 8 Thereto Establishing a Creative District Commission and Including Regulations Relative Thereto.

Mitchell moved and Vohman seconded a motion to set Ordinance No. 12, Series 2015 – An Ordinance of the Crested Butte Town Council Amending Chapter 2 of the Crested Butte Municipal Code to Include a New Article 8 Thereto Establishing a Creative District Commission and Including Regulations Relative Thereto, for public hearing. **Motion passed.**

2) Approval of Council Committee Assignments

It was explained this agenda item was moved from Consent Agenda in order to appoint a Council member to the CDOT Region 3 Committee. Yerman briefly explained the role on the committee. Schmidt volunteered to be appointed.

Mason moved and Merck seconded a motion to approve the Boards and Committees as stated in the staff report, including Merck's appointment to the One Valley Prosperity Project Committee. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Presentation by Town Manager Todd Crossett and Town Attorney John Belkin Regarding Town Council Orientation.

Crossett began by explaining the home rule form of government. He showed a slide depicting the Town's organizational structure. He explained the Council acted as a body, and it took four Council members to make a decision. He stated that most functions of government were the responsibility of the Manager. Crossett also reviewed the general responsibilities of Town departments.

Crossett differentiated between proactive vs. reactive vs. supportive Town functions. He provided examples of proactive work such as: creating legislation, master planning, budgeting, and building relationships. Reactive examples included: building inspections,

processing land use applications, and processing special event applications. Supportive Town functions that Crossett listed were: accounting and billing, facilities management, front desk, taking minutes, and keeping records.

Crossett reviewed the Council's role relative to Staff. Roles of the Council included: Setting goals and general strategic direction; Setting the outside boundaries within which Staff works; Setting the big picture; and Providing policy decisions. Roles of Staff included: Providing expertise; Running process; Advise and Guide; Providing information and context; Setting action strategy; and Implementation.

Crossett described interacting with Staff. He stated communication that was encouraged included: questions, gathering information, building relationships, and helping to set organizational tone. Communication that should occur with the Manager only: direction, management of organizational dynamics, negative feedback/discipline, employment and review, and personnel policies.

Next, Crossett covered the roles and responsibilities of the Manager, Mayor, Town Attorney and the Council and the forms of government at the Town's level. Crossett explained legislative was the biggest piece. Council created the rule set for the Town. Sunshine laws applied, but they could speak to people and gather information at will. Ex parte did not apply. In quasi-judicial matters, the Council acted as the jury. It was usually applied to land use and permitting. The Council maintained impartiality like a judge, sunshine laws applied, and no ex parte communication was permitted. Crossett explained to the Council that when quasi-judicial applied to the situation, they needed to tell people to attend the meeting or to provide an email that would go on the public record. Crossett mentioned administrative decisions, most of which were appealable to the Town Manager.

Crossett said the Town made the effort to be transparent through the use of the website, social media, and e-alerts. He explained what constituted a meeting amongst Council members. Social gatherings were okay, but he cautioned against email strings that became de facto meetings. Council members could not meet with more than two members to discuss or deliberate towards an issue upon which the Council would make a decision. Emails were generally subject to open records requests with the exception of email correspondence from the Town Attorney sent under attorney/client privilege.

Crossett mentioned Executive Sessions and that action could only be taken in public session. He reviewed the reasons for Executive Sessions. He then listed the other types of meetings to include: regular meetings, hearings, work sessions, retreats, town hall meetings, special meetings, and emergency meetings. He covered details such as timelines, noticing, and adding items to other business.

Schmidt thought they owed the public a response during Public Comment rather than waiting until the end of the meeting to discuss under Other Business. Belkin said they could amend the agenda right on the spot at the beginning of New Business. Crossett agreed it could be fair to set a date certain. He cautioned they could set a precedent and

end up with a town hall meeting. Crossett preferred to come with staff reports to prepare the Council. Mason asked if the Council wanted to further pursue. Crossett said the product would be better if they weren't shooting from the hip. Schmidt said it was a disservice to the people, and he thought the discussion should be on a future agenda.

Crossett reviewed models of communication, conflict, and liability. In order to protect the Town, Crossett said Council members should listen to Belkin, follow code and process, and be impartial. Council members were protected under the Town's insurance as long as they were acting within the scope of their authorized duties. Crossett listed safeguards: act as we not as I; act on behalf of the Town as a whole; and disclose conflicts of interest. Belkin asked for Council members to flag conflicts well in advance. Crossett summarized they would not be penalized for being paranoid.

4) Presentation by Chris Larsen on the Mountain Express Annual Report.

Roland Mason, the Chair of the Mountain Express Board, presented on behalf of Mountain Express. He explained that per the terms of the IGA, Mountain Express was required to give a report to the Council.

- Mountain Express carried 549,600 passengers, which was an increase of 3% from 2014.
- There were no changes to routes; however, they provided service to CB South, which included three trips in the AM and three trips in the PM.
- There was thought of extending summer service to October.
- Mountain Express ran to Gothic from June to mid August, and there was an increase of 8% in ridership from last summer.
- They carried 13% more bikes from last year.
- Regarding staff, they only hired one new driver and most drivers returned.
- They increased capital reserves. They were trying to get on top and have money ready to continue to upgrade fleet.
- They were talking about increasing their shop by five bays.
- There were two new busses in 2015, a big one and small one. They still had one bus that was to be delivered.
- Received a grant to purchase a new cut away, a 13-passenger van that would be used for seniors' transportation. It could also be used to provide service to Gothic.
- Focuses of the board were to meet growing service needs and to upgrade the bus fleet.
- Various solutions to accommodating more bikes were discussed. Mason said unless they were at a place to specifically start a bike carrying service, they had not found a solution.

LEGAL MATTERS

None

COUNCIL UPDATES AND COMMITTEE UPDATES

Roland Mason

- There would be a RTA meeting on Friday.
- There was potential for a proposal from another airline for the spring when United wasn't providing service.

Glenn Michel

- Met with Scott Truex. Michel would attend his first RTA meeting on Friday.
- Asked the Council members to bring to the attention of the Council when they couldn't attend committee meetings. He asked them to notify Crossett or himself, and they would make sure a representative attended. It demonstrated Town's commitment to the committees.

Schmidt and Michel would be attending the Growing Winters grant meeting tomorrow.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

- Schmidt confirmed with Crossett that Councilors should not talk about the design of the Center for Arts' building, but the location was fair game. Schmidt said the location had a long history of discussion, and the process did not start yesterday. It took a lot of time and a lot of meetings.
- Schmidt thought a retreat should happen as soon as possible.
- Schmidt referred to a letter in the packet from Cathy Steinberger regarding the location of Vinotok. He wanted to talk about it earlier. It was agreed an April timeframe would work.
- Schmidt brought up the short-term rental discussion, and he said it should occur in January or February.
- Schmidt also questioned the contract with the Town's judge.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

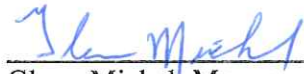
- Monday, December 21, 2015 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, January 4, 2016 – 6:00PM Work Session – 7:00PM Regular Council
- *Tuesday*, January 19, 2016 – 6:00PM Work Session – 7:00PM Regular Council

Michel thought a retreat should be used to identify priorities and goals. Mason and Mitchell agreed with Michel.

Crossett mentioned that Town participated in a CAST study regarding short-term rentals. There would be a process to identify trends and issues the Council felt affected Town. They would determine policy action from there.

ADJOURNMENT

Mayor Michel adjourned the meeting at 9:28PM.



Glenn Michel, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

